

PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 13-01856-VAP (OPx)

Date: May 23, 2014

Title: FELIPE ACOSTA, AN INDIVIDUAL AND ROSARIO ACOSTA, AN
INDIVIDUAL -v- AMERICAS SERVICING COMPANY, A WHOLLY
OWNED SUBSIDIARY OF WELLS FARGO BANK, N.A., et al.

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (1) LIFTING STAY; (2) VACATING ORDER
TO DISMISS (IN CHAMBERS)

On December 23, 2013, the Court issued an order dismissing the Complaint for lack of subject-matter jurisdiction but staying the dismissal pending the outcome of a pending Ninth Circuit case, Rouse v. Wachovia Mortgage, FSB. (See Doc. No. 14.) On March 27, 2013, the Ninth Circuit issued its opinion in Rouse, holding that, pursuant to 28 U.S.C. § 1348, a national bank is a citizen only of the state in which its main office is located, and that Wells Fargo Bank, N.A., is therefore only a citizen of South Dakota. Rouse v. Wachovia Mortgage, FSB, 747 F.3d 707, (9th Cir. 2014) ("We conclude that, under 28 U.S.C. § 1348, a national bank is a citizen only of the

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MINUTE ORDER of May 23, 2014

state in which its main office is located. Hence, the district court had diversity jurisdiction because there was complete diversity between the Rouses, citizens of California, and Wells Fargo, a citizen of South Dakota."). Accordingly, the Court LIFTS the stay and VACATES its previous order dismissing this action, in light of the Ninth Circuit's holding in Rouse.

The Motion to Dismiss filed by Defendants America's Servicing Company and Mortgage Electronic Registration Systems, Inc. (Doc. No. 10) will stand as submitted.

IT IS SO ORDERED.